

SEP 03 2009

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

NOEL ROMAN GIMENO,

Defendant - Appellant.

No. 08-10470

D.C. No. 2:00-CR-00018-KJD

MEMORANDUM*

Appeal from the United States District Court
for the District of Nevada
Kent J. Dawson, District Judge, Presiding

Submitted August 20, 2009**

Before: WALLACE, HAWKINS, and THOMAS, Circuit Judges.

Noel Roman Gimeno appeals from the district court's denial of his motion to reduce his 140-month sentence under 18 U.S.C. § 3582(c)(2). Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Gimeno's counsel has filed a brief stating there

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously finds this case suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

are no grounds for relief, along with a motion to withdraw as counsel of record.

We have provided the appellant the opportunity to file a pro se supplemental brief.

No pro se supplemental brief or answering brief has been filed.

Our independent review of the record pursuant to *Penson v. Ohio*, 488 U.S. 75, 80-81 (1988), discloses no arguable grounds for relief on direct appeal.

Gimeno's pro se request for counsel, received in this court on May 8, 2009, is deemed filed and is denied.

Counsel's motion to withdraw is **GRANTED**, and the district court's order is **AFFIRMED**.